

REMARKS/ARGUMENTS

In the Office Action the requirement for restriction was maintained on the basis that prior art rendered the generic claims unpatentable. By this amendment, Applicants submit that the generic claims are now patentable, and therefore request that the examiner consider rejoining nonelected and withdrawn claims. Should amendment of any such claims be necessary in order to define the same inventive concept as the more generic claims, the examiner is requested to first contact the undersigned to discuss any such appropriate amendments.

Claims 1-5 stand rejected as reading on a product of nature. The examiner suggested limiting the claims to "an isolated and purified compound". Claim 1 has been amended to call for "a purified compound", which is deemed sufficient to distinguish the substance from a product of nature. There is concern that the use of "isolated" could imply an unduly limiting interpretation, namely that the claim was meant to only encompass a compound isolated from naturally occurring materials, and not include the same compound prepared at least partly by synthetic methods.

Applicants submit that claims 1-5 no longer read on products of nature and request that this rejection be withdrawn.

All claims currently under examination are also rejected as anticipated by Linton et al., Szymanski et al., Bay et al., Pugia et al., Nilsson et al., Messner et al., Gutnick et al., and Kaplan et al. The examiner pointed out that most of these rejections were based on the inclusion of the term "immunologically active fragment thereof" in the claims.

It is true, in the broadest sense, that these references disclose peptides having two or more bases, which conceivably could be considered fragments of many compounds, including the compound of claim 1. However, the term "immunologically active fragment thereof" was intended to mean a fragment active capable of generating an antibody against campylobacter (Specification, p. 4 lines 3-13). Accordingly, claim 1 (and new claim 33) have been amended to include this term.

Practically all of the cited references disclose what might be termed "fragments" of the claimed compound but contain no information regarding activity against Campylobacter.

Accordingly, with this amendment, the current claims are neither anticipated by nor obvious over said references.

Szymanski is relied on in combination with Guerri et al., who are asserted as stating that the glycoprotein compounds of Szymanski et al comprise a heptasaccharide. However, the information in Guerri et al. is from the Young et al. publication that was discussed in the last response and which the examiner recognizes as not being prior art. Accordingly the information in Szymanski et al. does not anticipate or render obvious the instant claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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